

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rule making related to mandatory reporter training  
and treatment programs in correctional facilities**

The Public Health Department hereby amends Chapter 155, “Licensure Standards for Substance Use Disorder and Problem Gambling Treatment Programs,” and rescinds Chapter 156, “Licensure Standards for Substance Abuse Treatment Programs in Correctional Facilities,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 125.7.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 125.13 and 2019 Iowa Acts, House File 731.

*Purpose and Summary*

These amendments increase the frequency of training for mandatory child abuse and dependent adult abuse reporters from once every five years to once every three years. Additional amendments include separating the child abuse identification and reporting training from the dependent adult abuse identification and reporting training with which it is currently combined. Each training is required to be of two hours’ duration. If the person receiving training completes one hour of additional child abuse identification and reporting training and one hour of additional dependent adult abuse identification and reporting training prior to the expiration period, the person shall be deemed in compliance with the training requirements for an additional three years. The amendments permit an employer of a staff person subject to the training requirements to provide supplemental training in addition to the core training. There is a transition provision for persons who received the child abuse or dependent adult abuse identification and reporting training certificate prior to July 1, 2019.

Chapter 156 is rescinded since substance abuse treatment is no longer being provided in correctional institutions. Community-based correctional facilities continue to provide licensed substance use disorder treatment services and currently adhere to Chapter 156. Following the rescission of Chapter 156, any community-based correctional facility providing substance use disorder treatment services will be required to adhere to Chapter 155.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 17, 2019, as **ARC 4541C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board of Health on September 11, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver and variance provisions contained in 641—Chapter 178.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on November 13, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **155.21(9)“d”** as follows:

*d.* A staff person providing screening, OWI evaluation, assessment or treatment in accordance with this chapter shall complete two hours of ~~training on~~ child abuse identification and reporting of ~~child abuse~~ training and two hours of dependent adult abuse identification and reporting training within six months of initial employment and at least two hours of additional child abuse identification and reporting training and two hours of additional dependent adult abuse identification and reporting training every ~~five~~ three years thereafter. If the staff person completes at least one hour of additional child abuse identification and reporting training and one hour of additional dependent adult abuse identification and reporting training prior to the three-year expiration period, the staff person shall be deemed in compliance with the training requirements for an additional three years. An employer of a staff person subject to these requirements may provide supplemental training, specific to identification and reporting of child abuse or dependent adult abuse as it relates to the person's professional practice, in addition to the core training provided. A training certificate relating to the identification and reporting of child abuse or dependent adult abuse issued prior to July 1, 2019, remains effective and continues in effect as issued for the five-year period following its issuance.

ITEM 2. Rescind and reserve **641—Chapter 156**.

[Filed 9/11/19, effective 11/13/19]

[Published 10/9/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/9/19.